

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of SHADRACH CROSSET,  
CASSANDRA CROSSETT, and KENDALL  
CROSSETT, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRACY CROSSETT,

Respondent-Appellant,

and

MATTHEW CROSSETT,

Respondent.

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UNPUBLISHED

March 22, 2005

No. 257477

Midland Circuit Court

Family Division

LC No. 02-001602-NA

Before: Hoekstra, P.J., and Neff and Schuette, JJ.

PER CURIAM.

Respondent-Appellant Tracy Crossett appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii) and (g). We affirm.

On appeal, respondent-appellant argues that the trial court erred in determining that MCL 712A.19b(3)(c)(i), (c)(ii) and (g) provided grounds for terminating her parental rights. In particular, respondent-appellant maintains that the findings of fact of the trial court were biased and did not rise to the level of clear and convincing evidence. Respondent-appellant further asserts that even if no error occurred in the determination that statutory grounds existed to terminate her parental rights, the termination was clearly not in the children's best interest. We disagree.

We review a trial court's findings regarding the grounds for termination for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding of fact is clearly erroneous if the reviewing court, giving due regard to the trial court's special opportunity to

observe the witnesses, is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Terry*, 240 Mich App 14, 22; 610 NW2d 563 (2000).

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). If petitioner establishes a statutory ground for termination by clear and convincing evidence, the trial court must order termination of parental rights, unless the court finds from the evidence on the whole record that termination is not in the child's best interest. MCL 712A.19b(5); *In re Trejo*, *supra* at 353.

Under MCL 712A.19b(3)(c), a court has grounds for terminating a person's parental rights if that parent was a respondent in a termination proceeding, at least 182 days have passed since the issuance of the initial dispositional order, and the court finds by clear and convincing evidence that:

- (i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age[, or]
- (ii) Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

Additionally, grounds for termination exist where a court finds by clear and convincing evidence that:

[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age. [MCL 712A.19b(3)(g)].

In this case, the trial court found that termination was required because, despite more than one year of counseling, respondent-appellant and her husband still failed to appreciate the "depth" of their children's problems and would not, within a reasonable time considering the age of the children, be able to provide the "consistent and mentally stable" parenting that their children require. The court further observed that this situation was made more difficult, and the expectation for success less likely, by the parents' dysfunctional marriage. After review of the evidence in this case, we are not left with a definite and firm conviction that the trial court's findings are clearly erroneous. *In re Miller*, *supra*.

The evidence clearly established that the children have profound mental, emotional and physical limitations that require special parenting skills. The various service providers with whom respondent-appellant counseled testified regarding their efforts to train and equip respondent-appellant to meet the children's special needs. Unfortunately, however, each in turn

ultimately concluded that respondent-appellant, despite her faithful involvement in the process, was simply incapable of consistently employing the skills required to successfully parent these children, particularly in light of their special needs. The evidence also supports the trial court's finding that the situation was exacerbated, in part, by respondent-appellant's consistently unstable relationship with her husband. Further, we find that respondent-appellant's claim that the trial court was biased is unsupported by the record. Throughout the proceedings in this case the trial court worked toward reuniting this family. However, in the end the evidence demonstrated that termination was required because of the inability of respondent-appellant and her husband to properly parent these children. On this record, it cannot be said that the trial court clearly erred in finding that statutory grounds for termination had been established by clear and convincing evidence. *In re McIntyre, supra*.

Moreover, the evidence does not show that termination was clearly not in the children's best interest. Respondent-appellant is unable to provide for the physical, mental and emotional well-being of these children, and the children's best interest, given their disabilities and needs, is a placement where those needs can be met.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Janet T. Neff  
/s/ Bill Schuette